

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHANNON KENNERSON,
doing business as Kennerson Lawn
& Landscaping Associates,

Plaintiff,

ORDER

06-CV-6212L

v.

VINCENZO LABARBERA, Individually,
also known as Vince LaBarbera,
doing business as LaBarbera Excavating,
doing business as Vincenzo LaBarbera,
also known as Vincent LaBarbera, et al.,


Defendants.

On March 12, 2008, the Court issued a Decision and Order granting a motion by defendant Selective Insurance Company of America (“Selective”) for summary judgment on its second and fourth cross-claims (Dkt. #36). In that Decision and Order, the Court ordered defendants Vincenzo LaBarbera, individually and d/b/a LaBarbera Excavating and LaBar Enterprises of Rochester, Inc., to pay damages to Selective in the total amount of \$115,011.47, with interest to be calculated on \$80,011.47 of that amount pursuant to the terms of the Indemnity Agreement between the parties.

Although the dates from which interest would be calculated pursuant to the Indemnity Agreement may differ as between the payments which comprised the \$80,011.47 component, and

the remainder of the total damages, Selective is entitled to an award of interest on the entire damages amount. The Court's previous Decision and Order (Dkt. #36) remains in full force and effect, except that the award of interest is to be calculated on the entire damages award of \$115,011.47.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 26, 2008.